

had been in favor of the employee. The Select Committee on Ethics may decide to release any other decision at its discretion. In the absence of a proceeding under section 1208 of this title, a decision of the hearing board that is favorable to the employee shall be made public.

(e) Release of records for judicial review

The records and decisions of hearing boards, and the decisions of the Select Committee on Ethics, may be made public if required for the purpose of judicial review under section 1209 of this title.

(Pub. L. 102-166, title III, §313, Nov. 21, 1991, 105 Stat. 1095.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60m of this title.

§ 1214. Exercise of rulemaking power

The provisions of this chapter, except for sections 1209, 1219, 1220, and 1221 of this title, are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate. Notwithstanding any other provision of law, except as provided in section 1209 of this title, enforcement and adjudication with respect to the discriminatory practices prohibited by section 1202 of this title, and arising out of Senate employment, shall be within the exclusive jurisdiction of the United States Senate.

(Pub. L. 102-166, title III, §314, Nov. 21, 1991, 105 Stat. 1095.)

§ 1215. Political affiliation and place of residence

(a) In general

It shall not be a violation with respect to an employee described in subsection (b) of this section to consider the—

- (1) party affiliation;
- (2) domicile; or
- (3) political compatibility with the employing office,

of such an employee with respect to employment decisions.

(b) “Employee” defined

For purposes of this section, the term “employee” means—

- (1) an employee on the staff of the Senate leadership;
- (2) an employee on the staff of a committee or subcommittee;
- (3) an employee on the staff of a Member of the Senate;
- (4) an officer or employee of the Senate elected by the Senate or appointed by a Member, other than those described in paragraphs (1) through (3); or
- (5) an applicant for a position that is to be occupied by an individual described in paragraphs (1) through (4).

(Pub. L. 102-166, title III, §316, Nov. 21, 1991, 105 Stat. 1095.)

§ 1216. Other review

No Senate employee may commence a judicial proceeding to redress discriminatory practices

prohibited under section 1202 of this title, except as provided in this chapter.

(Pub. L. 102-166, title III, §317, Nov. 21, 1991, 105 Stat. 1096.)

§ 1217. Other instrumentalities of Congress

It is the sense of the Senate that legislation should be enacted to provide the same or comparable rights and remedies as are provided under this chapter to employees of instrumentalities of the Congress not provided with such rights and remedies.

(Pub. L. 102-166, title III, §318, Nov. 21, 1991, 105 Stat. 1096.)

§ 1218. Rule XLII of Standing Rules of Senate

(a) Reaffirmation

The Senate reaffirms its commitment to Rule XLII of the Standing Rules of the Senate, which provides as follows:

“No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

- “(a) fail or refuse to hire an individual;
- “(b) discharge an individual; or
- “(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment

on the basis of such individual’s race, color, religion, sex, national origin, age, or state of physical handicap.”.

(b) Authority to discipline

Notwithstanding any provision of this chapter, including any provision authorizing orders for remedies to Senate employees to redress employment discrimination, the Select Committee on Ethics shall retain full power, in accordance with its authority under Senate Resolution 338, 88th Congress, as amended, with respect to disciplinary action against a Member, officer, or employee of the Senate for a violation of Rule XLII.

(Pub. L. 102-166, title III, §319, Nov. 21, 1991, 105 Stat. 1096.)

REFERENCES IN TEXT

Senate Resolution 338, 88th Congress, as amended, referred to in subsec. (b), is not classified to the Code.

§ 1219. Coverage of Presidential appointees

(a) In general

(1) Application

The rights, protections, and remedies provided pursuant to section 1202 and 1207(h) of this title shall apply with respect to employment of Presidential appointees.

(2) Enforcement by administrative action

Any Presidential appointee may file a complaint alleging a violation, not later than 180 days after the occurrence of the alleged violation, with the Equal Employment Opportunity Commission, or such other entity as is designated by the President by Executive Order, which, in accordance with the principles and procedures set forth in sections 554 through 557